

# Council



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Community Governance Review</b>	
<b>Report No:</b>	<b>COU/FH/17/014</b>	
<b>Report to and date/s:</b>	<b>Council</b>	14 June 2017
<b>Portfolio holder:</b>	Not applicable – electoral matters are not an executive function	
<b>Lead officers:</b>	Fiona Osman, Elections Manager <b>Tel:</b> 01284 757105 <b>Email:</b> <a href="mailto:fiona.osman@westsuffolk.gov.uk">fiona.osman@westsuffolk.gov.uk</a>  Alex Wilson, Director <b>Tel:</b> 01284 757695 <b>Email:</b> <a href="mailto:alex.wilson@westsuffolk.gov.uk">alex.wilson@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	To allow Council to make final decisions on the Community Governance Review for Forest Heath.	
<b>Recommendation:</b>	<b>It is recommended that:</b>  (1) <b>Council considers the evidence provided during consultation on the Community Governance Review (CGR) so that it can make the various final decisions required in respect of the parish-specific recommendations for issues 1-3 (as set out in Appendix A)</b>  <i>[NB this will require three separate motions to be proposed, seconded and voted upon at the meeting, in turn, which will be explained at the meeting];</i>  (2) <b>in respect of the other statutory recommendations the Council is required to make for the review:</b>	

	<p>(a) no existing parish be abolished as part of the review;</p> <p>(b) there be no change to the name of any existing parish;</p> <p>(c) there be no change to the current arrangements which determine whether an existing parish has a council or not i.e.:</p> <p style="padding-left: 40px;">(i) if it currently has a parish meeting it will continue to do so; and/or</p> <p style="padding-left: 40px;">(ii) if it currently has a parish council it will continue to do so;</p> <p>(3) the Local Government Boundary Commission for England be requested to make any necessary consequential changes to district and/or county council electoral arrangements, if applicable;</p> <p>(4) the timing of the implementation of any agreed changes to parish electoral arrangements arising from this review be dealt with as set out in section 1.4 of this report; and</p> <p>(5) the decisions taken as part of this CGR be published and, in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007, and the advice of the Boundary Commission, the necessary order(s) be made and implemented at the appropriate time(s) before the next parish elections in 2019.</p>
<b>Key Decision:</b>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>• Consultation has taken place on the terms of reference and final recommendations for the review and the results are summarised in this report.</li> </ul>
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>• The Council has already agreed to carry out the review. Not carrying out a CGR at this time would mean that changes desired to parish arrangements will not be taken into account in a forthcoming electoral review of the district and may be difficult to implement before the 2019 parish elections.</li> <li>• At this stage of the process, the Council is able to change its recommendations based on evidence received through consultation.</li> </ul>

<b>Implications:</b>			
Are there any new <b>financial</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any new <b>staffing</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>ICT</b> implications? If yes, please give details		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any <b>legal and/or policy</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>Council is following the statutory process.</li> </ul>	
Are there any <b>equality</b> implications? If yes, please give details		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>The Council has a legal duty to ensure that its recommendations do not undermine community cohesion, and ensure effective local government for all electors in a parish.</li> </ul>	
<b>Risk/opportunity assessment:</b>			
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Matters which local communities want included in the CGR are missed	Medium	Consult on terms of reference prior to adoption	Low
Final decisions do not reflect community views	Medium	Consult on recommendations	Low
Consequential impacts on district wards and county divisions	Medium	Feed changes into electoral reviews by the LGBCE	Low
Review is not completed in 12 months	Low	Timetable review phases in terms of reference	Low
<b>Ward(s) affected:</b>	All Saints, Eriswell and the Rows, Exning, Great Heath, Market, Severals, South and St Mary's.		
<b>Background papers:</b> (all background papers are to be published on the website and a link included)	<ul style="list-style-type: none"> <li>Council paper <a href="#">COU/FH/17/006</a>, 22 February 2017</li> <li>Council paper <a href="#">COU/FH/16/025</a>, 22 November 2016</li> <li>LGBCE National Guidance: <a href="http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf">http://www.lgbce.org.uk/_data/assets/pdf_file/0019/10387/community-governance-review-guidance.pdf</a></li> </ul>		
<b>Documents attached:</b>	<ul style="list-style-type: none"> <li><b>Appendix A</b> – results of consultation</li> </ul>		

## **1. Key issues and reasons for recommendation(s)**

### **1.1 Background**

1.1.1 Community Governance Reviews (CGRs) provide the opportunity for principal councils to review and make changes to community governance at parish level within their areas. Changes can range from the creation of new parishes through to minor boundary adjustments or alteration of the number of parish councillors.

1.1.2 The first informal phase of this review, initial evidence gathering, took place between November 2016 and January 2017 to determine terms of reference. As well as being publicised to other stakeholders, all FHDC parishes were consulted and given the chance to suggest issues to examine. The final phase, and the formal consultation stage, was the publication of the terms of reference, along with recommendations, which were based on decisions taken at the February 2017 meeting of the Council. The Council will consider the results of that consultation and make its final decisions on the review at this meeting.

### **1.2 Nature of Final Recommendations**

1.2.1 The legislation requires that the Council must make final recommendations in respect of each of the issues in the CGR. The recommendations must also be definite i.e. it must be a recommendation whether or not to make one of the permitted statutory changes.

1.2.2 Furthermore, the published recommendations were intended to give those taking part in the consultation a sense of what the Council was minded to do, based on the evidence it had in February 2017. Therefore, as well as being final recommendations, they were also 'draft' insofar as they were still subject to testing through consultation; the final decision by Council in summer 2017 may be different to the recommendation agreed in February 2017 if new or stronger evidence emerges during phase 2. This is the context in which the recent consultation should be viewed.

1.2.3 In addition to the parish-specific recommendations on each issue (as set out in Appendix A), there are a number of statutory recommendations the Council must make in respect of any CGR issue. These are to clarify whether the review will result in the abolition of any existing parishes, changes to existing parish names or changes to the form of governance of existing parishes. Since the terms of reference for the review only examine potential changes to boundaries between two existing parishes (issues 1 and 3) or the potential creation of a new parish from part of the area of an existing parish (issue 2), no such changes can result from this review. Therefore, as set out in recommendation 2 of this report, the Council can safely adopt these statutory recommendations without fettering its decisions on the main issues under consideration. Furthermore, no comments have been received on these statutory recommendations during the consultation.

### **1.3 Assessing the consultation responses**

1.3.1 A CGR should create the conditions to:

- (a) improve community engagement;
- (b) provide for more cohesive communities;
- (c) provide better local democracy; and
- (d) result in more effective and convenient delivery of local services.

- 1.3.2 The decisions the Council makes in relation to the CGR should relate back to the issues identified in the terms of reference and final recommendations, since those taking part would have submitted evidence on that basis.
- 1.3.3 The Council must also take into account local opinion received through the consultation. However, the aim of the consultation was not to conduct a formal referendum, but simply to give people the chance to comment on the recommendations and help shape the Council's final decision. Ultimately, where opinion is divided, the Council will need to make a balanced judgement, with each case taken on its own individual merits.
- 1.3.4 Having said that, if the Council has no strong evidence that a change is justified (either in terms of the CGR guidance and/or the level of local support) it would normally presume to maintain the status quo.
- 1.3.5 Evidence in relation to each of the three issues in the CGR is set out in the appendix to this report. For consistency, the responses to the consultation are recorded using the following convention, although this does not represent any particular weighting:
- The Parish council/meeting which currently represents the electors
  - Views of neighbouring parish(es) if applicable
  - Any community organisations representing the area affected
  - Local electors, businesses and landowners (with comments reflecting the viewpoint of the majority of respondents listed first)
  - Local elected representatives (the views of local councillors are represented only when they identified themselves in this capacity – some have responded as local residents and are recorded as such).
- 1.3.6 As this was an assurance made in the consultation, responses from local electors and businesses are also presented as anonymously as possible.

#### 1.4 **Implementation of any changes**

1.4.1 The timing of any changes would need to be taken on a case by case basis, as the rules for changes to boundaries differ from those to electoral arrangements. There are also other implications to consider such as consequential changes to district and county electoral arrangements and the scale of change. However, all changes would need to be made before the next parish elections in 2019.

1.4.2 Taking each issue in turn:

##### **Issue 1: Exning/Newmarket**

If approved at this meeting, such a minor boundary change could be implemented on 1 April 2018 subject to the view of the Local Government Boundary Commission for England (LGBCE) regarding the timing of any consequential changes to district ward boundaries (there would be no consequential changes to current county council divisions since both parishes are already in the same division). If the LGBCE would prefer the parish boundary to be changed at the same time as it implements its own electoral

review of district council electoral arrangements, then the change would be made on 1 April 2019 instead, ready for the next scheduled parish elections.

**Issue 2: Mildenhall**

If the Council wished to change its recommendation and create a new parish council for West Row this change would occur in 2019. Time would be needed to set up the new council (and manage any transition) and, in any event, new electoral arrangements are normally introduced at the time of the next scheduled elections.

**Issue 3: Kentford/Moulton**

There would be no consequential impacts to current district or county electoral arrangements from changing this boundary between the two parishes. Similarly, no changes to the electoral arrangements of either parish have been suggested as part of the review. Therefore the normal aim would be to introduce any change as soon as possible i.e. 1 April 2018. However, given the scale of the change, and the fact that the LGBCE will be conducting its own electoral review of district council arrangements before 2019, the advice of the Commission would still be sought in terms of whether to implement the change on 1 April 2019 instead (linked to the next parish elections). The District Council would reserve its position on whether to implement the change in 2018 or 2019 until it had received that advice.